

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY M. MENDOZA,

Plaintiff,

v.

AARON ZAMBRANO, et al.,

Defendants.

Case No. [4:16-cv-06455-KAW](#)

SECOND ORDER TO SHOW CAUSE

Re: Dkt. No. 38

Plaintiff Anthony Mendoza, proceeding pro se, filed this lawsuit alleging wage and hour violations under the Fair Labor Standards Act. On July 12, 2017, Plaintiff filed a second amended complaint, in which he alleges disability discrimination under the Americans with Disabilities Act. (Dkt. No. 36.) On July 26, 2017, Defendants filed a motion to dismiss the second amended complaint. (Dkt. No. 38.) Pursuant to Civil Local Rule 7-3, with an additional three days for mailing, Plaintiff's opposition was due on August 14, 2017. To date, Plaintiff has not filed an opposition.

Accordingly, by no later than **September 5, 2017**, the Court orders Plaintiff to (1) file a response to this order to show cause and explain why his case should not be dismissed for failure to prosecute, and (2) file an opposition to the motion to dismiss. The response to this order to show cause and the opposition should be filed as separate documents. To aid in his compliance with this order, Plaintiff may wish to contact the Federal Pro Bono Project's Help Desk—a free service for pro se litigants— by calling (415) 782-8982 to make an appointment to obtain legal assistance from a licensed attorney.

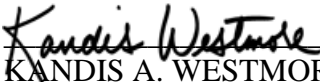
Failure to timely respond to this order to show cause may result in the dismissal of this action for failure to prosecute. *See* Judge Westmore's General Standing Order ¶ 22 ("The failure

of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion”).

Should Plaintiff timely file an opposition, Defendants are permitted to file their reply on or before September 12, 2017. The October 5, 2017 hearing remains on calendar as scheduled.

IT IS SO ORDERED.

Dated: August 24, 2017


KANDIS A. WESTMORE
United States Magistrate Judge

United States District Court
Northern District of California